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REMARKS

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Applicant respectfully requests reconsideration of the present Application. Claims 1-55 have been amended herein. Care has been exercised to introduce no new matter. Claims 1-55 are pending and are in condition for allowance.

Objections

Figure 1 was objected to over MPEP § 608.02(g) for failing to designate figure as prior art. A replacement figure showing the prior art designation is included in this response and labeled "Replacement Sheet" in the page header. 37 CFR § 1.84(c).

Rejections based on 35 U.S.C. § 102

Claims 49-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Baldwin et al., U.S. Patent Publication No. 2003/0149746. Claims 49-55 have been amended to more particularly claim certain embodiments of the present invention. As amended claim 49 recites details describing the implementation of a virtual point-to-point or symmetric connection.

Baldwin describes using a virtual private network for secure communication between the ensoBox and ensoport.com™ data center. The purpose of the Baldwin invention is to provide an ISP Franchise, operating an ensoBox, with "a suite of back office management systems to manage it's ISP business." See Baldwin [0172]. Baldwin fails to anticipate every feature of the invention as presently claimed.

The purpose of the Applicant's invention is different from the purpose of the Baldwin invention. The Applicant's invention, as presently claimed, focuses on overcoming limitations of current hardware provisioning for dial-up network access service. Specifically, it does not require dial-up lines and associated servers and routers to be dedicated to the individual ISPs providing the service. Rather, dial-site owners or operators, employing Applicant's

invention, may allow end users to make use of data networks that facilitate asymmetric data routing to establish virtual point-to-point connections with one or more providers offering enhanced services including transparent compression, caching, optimization, and security, to the end users.

As amended, claims 49-55 recite "encapsulating the data packets to be sent in a tunneling protocol for delivery via one or more virtual connections" and "communicating the encapsulated data packets via at least one virtual point-to-point connection over a communications path traversing an asymmetric data network, wherein the at least one communications path couples at least one remote access server to at least one enhancement cluster, and wherein the virtual point-to-point connection emulates a dedicated connection path connecting the at least one remote access server to the at least one enhancement cluster." Each of these features is lacking in the Baldwin reference.

Rejections based on 35 U.S.C. § 103

Claims 1-3, 5, 11-19, 21, 27-33, 37-41 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. in view of Moon et al., U.S. Patent Publication No. 2003/0163577. Claims 4, 7, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. and Moon et al. as applied to claims 1 and 17 above, and further in view of Lin, U.S. Patent No. 7,117,530. Claims 8-10, 24-26, 35-36 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. and Moon et al. as applied to claims 1, 17, 33 and 41 above, and further in view of Baldwin, U.S. Patent Publication No. 2003/0078996. Claims 34 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. and Moon et al. as applied to claims 33 and 41 above, and further in view of Arrow, et al., U.S. Patent No. 6,226,751.

These rejections are moot at least because of the instant claim amendments. Claims 1-48 have been amended to more particularly define certain aspects of embodiments of the present invention.

To establish *prima facie* obviousness of a claimed invention, "all the claim limitations must be taught or suggested by the prior art." MPEP 1504.03. Because Baldwin does not teach or suggest "encapsulated data packets, of the data associated with a modem-based data session, operable for sending using a tunneling protocol for delivery via one or more virtual connections," "at least one enhancement cluster for processing the encapsulated data packets to enhance a connection from a source to a destination network," nor "at least one virtual point-to-point connection for communicating the encapsulated data packets over a communications path traversing the at least one asymmetrically-routed data network, wherein the at least one communications path couples the input interface to the at least one enhancement cluster, and wherein the at least one virtual point-to-point connection emulates a dedicated connection path connecting the input interface to the at least one enhancement cluster," but rather describes using a virtual private network for secure communication between the ensoBox and ensoport.com™ data center, each feature of the present invention as claimed is not taught. Even combining Baldwin with the teachings of Moon does teach or suggest the aforementioned features of the now-claimed invention.

CONCLUSION

For at least the reasons stated above, claims 1-55 are now in condition for allowance. Applicant respectfully requests withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jcamacho@shb.com (such communication

via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

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